

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 10/058,376

Q68264

REMARKS

Claims 1 and 7 have been amended to incorporate therein the recitations of claims 9 and 10, respectively. Claims 9 and 10 have been canceled. Entry of the amendment in the present application is respectfully requested as placing this case in condition for allowance.

Review and reconsideration on the merits are requested.

Claims 1-12 were rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,937,123 to Chang et al. Chang et al was cited as teaching the preparation of a mixture of a stain blocking agent, a sulfated castor oil and a salt (which mixture is then applied to fibrous polyamide materials).

In response to Applicants' argument that the sulfated castor oil in Chang is copolymerized with acrylate monomers, whereas in the invention, the sulfated castor oil is not copolymerized into the stain blocking agent, the Examiner commented that:

(i) Chang et al (col. 4, line 4) describes that the sulfated castor oil can be copolymerized with methacrylic acid, but does not require the sulfated castor oil to be copolymerized with the methacrylic acid;

(ii) Nowhere does Chang et al state that even if the sulfated castor oil is copolymerized the resulting reaction product has no free sulfonated castor oil; and

(iii) The present claims do not exclude methacrylic polymers from the treatment liquid.

Applicants respond and respectfully traverse for the following reasons.

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Chang et al discloses, particularly at col. 3, lines 67 to col. 4, lines 5, that the sulfated castor oil is copolymerized with acrylate monomers to give a methacrylic polymer. See also "PREPARATION OF METHACRYLIC POLYMER (POLYMER A)" at col. 6 and claim 1 of Chang et al. In contrast, in the present invention, the sulfated castor oil is not copolymerized into the stain blocking agent. For example, in Example 1 at page 11 of the specification, the stain blocking agent A-4 and sulfated castor oil were mixed and diluted with water to give a total amount of 100g. The pH of the mixture was then adjusted to 1.5 with sulfanic acid. That is, the sulfated castor oil is a component separate from the stain blocking agent and is not introduced as a comonomer into the stain blocking agent. As shown below, this requirement is also reflected in the present claims which define a sulfated castor oil as a component separate from the stain blocking agent in the treatment liquid.

Regarding (i), the language "can be copolymerized" at col. 4, lines 4-5 describes that mixtures of various monomers may be copolymerized (as opposed to copolymerizing only a single monomer with methacrylic acid), and should not be understood as suggesting that sulfated castor oil need not be copolymerized with methacrylic acid.

Regarding (ii) above, Chang et al clearly contemplate copolymerizing sulfated castor oil with acrylate monomers to give a methacrylic polymer. There is no instruction or teaching of the use of excess of sulfated castor oil resulting in free sulfated castor oil. There is no disclosure of free sulfated castor oil. The reference is available as prior art for what it teaches, not for what it does not teach.

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As to (iii), it is true that the present claims do not exclude methacrylic polymers from the treatment liquid. However, the point here is that the present claims require sulfated castor oil as a component separate from the stain blocking agent, which limitation is not met by Chang et al. Further in this regard, claims 1 and 7 have been amended to incorporate therein the recitation of claims 9 and 10, to recite that the stain blocking agent is selected from a phenol/formaldehyde condensate, an acrylic polymer and a mixture of a phenol/formaldehyde condensate and acrylic polymer. This amendment clarifies that the sulfated castor oil is a component separate from the stain blocking agent in that sulfated castor oil cannot be introduced as a monomer into a phenol/formaldehyde condensate or acrylic polymer. Particularly, the blocking agent in the amended claims is limited to a phenol-formaldehyde condensate and/or an acrylic polymer such that sulfated castor oil is excluded from the scope of the blocking agent.

The Examiner further considered that even if Chang et al does not anticipate the present claims, it nonetheless would have been obvious to arrive at the invention because Chang et al "teach the mixing of a stain blocking agent, sulfated castor oil, and a salt".

In response, the invention cannot be obvious over Chang et al because Chang et al does not teach each and every limitation of the claimed invention (i.e., application of a treatment liquid containing sulfated castor oil as a component separate from the stain blocking agent).

Withdrawal of all rejections and allowance of claims 1-8, 11 and 12 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

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Respectfully submitted,

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